

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

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RICHARD P. McLAUGHLIN

Plaintiff,

vs.

PLAINTIFF'S INITIAL  
DISCLOSURES PURSUANT  
TO FRCP 26(a)(1)(A)(B)(C)

Docket No.: 08-CV-1575(SAS)

METRO-NORTH COMMUTER RAILROAD  
Defendant.

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THOMAS P. HURLEY  
Law Offices of Kantor & Godwin, PLLC  
Attorney for Plaintiff  
5800 Main Street  
Williamsville, N.Y. 14221  
(716) 626-0404

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JOSÉ R. RIOS  
Attorney for Defendant  
Metro-North Commuter Railroad  
347 Madison Avenue  
New York, NY 10017  
(212) 340-2537

**PLAINTIFF'S INITIAL DISCLOSURES PURSUANT  
TO FEDERAL RULE FRCP 26 (a)(1) (A)(B) & (C)**

NOW COMES Plaintiff, Richard McLaughlin, by and through his attorneys,  
The Law Offices of Kantor & Godwin, PLLC, pursuant to FRCP 26 (a)(1) provides  
his Initial Disclosures, and states as follows:

(A.) Witnesses:

1. Richard P. McLaughlin, 20 Stonegate Road, Ossining, New York 10562;
2. Luigi Costantini- Metro-North Commuter Railroad ("Metro-North")  
employee - 8 Bank St., Croton-on-Hudson, New York;
3. Unknown Car Inspectors, conductors and other Metro-North employees,  
whose identities are unknown at this time;
4. Pat Flannery - Metro-North Employee - 94 Grand Street, Apt. 7A, Croton-on-  
Hudson, NY 10520;
5. Bob Malaspina -Metro-North Employee - Supervisor and Trainmaster,  
Croton-Harmon;
6. Robert Felicetta - Metro-North Employee - Union Representative;
7. Anthony Bottalico - Metro-North Employee - Union Representative;

8. D. Michael Christensen, MD, 87 Grand Street, Croton-on-Hudson, NY 10520;
9. Barry I. Kroesser, M.D., 1985 Cromound Road, Cortlandt Manor, NY 10567;
10. Northern Westchester Putnam Physical Therapy, 3535 Hill Blvd., Yorktown Heights, NY 10598;
11. Metro-North Medical Department, Lexington Avenue, New York, NY;
12. Kenneth Schwartz, 310 North Highland Avenue, Suite 4, Ossining, NY 10562;
13. All witnesses listed by the Defendant;
14. All witnesses necessary to authenticate records;
15. All witnesses that have yet to be discovered;
16. All rebuttal witnesses as necessary.

(B.) Attached please find the following documents:

1. Medical records from Dr. Kroesser;
2. Medical records from Phelps Memorial Hospital;
3. Medical records from Dr. Schwartz;
4. Medical records from Dr. Christensen;
5. Medical records from High-Field Open MRI of Tarrytown; and
6. Medical records from Northern Westchester Putnam Physical Therapy.

(C.) Plaintiff in the process of compiling information and documents supporting his claim for damages, lost wages and fringe benefits. Due to his work-related injury sustained on March 31, 2005, the Plaintiff was unable to return to work. Additionally, the Plaintiff sustained severe bruising in both knees, torn Achilles heel in the left foot, back pain, strained ligaments, and required knee replacement in both knees.

At the time of the incident, Plaintiff had earned \$83,000.00 through and including 3/31/05. Therefore, Plaintiff earned approximately \$1750.00 per week. At the rate of pay Mr. McLaughlin was scheduled to earn in the year 2005, at the time of his accident, he has an approximate wage loss of \$83,000.00. In addition, Plaintiff

was forced to endure and deal with the continuing pain and limited mobility for some time following the accident.

Plaintiff reserves the right to claim any and all damages allowable under the Federal Employers' Liability Act, 45 U.S.C., § 51 et. seq.

Dated: March 28, 2008  
Williamsville, New York

/S/ THOMAS P. HURLEY  
THOMAS P. HURLEY  
Attorney for PLAINTIFF  
5800 Main Street  
Williamsville, New York 14221  
(716) 626-0404

TO: JOSÉ R. RIOS  
Attorney for Defendant  
Metro-North Commuter Railroad  
347 Madison Avenue  
New York, NY 10017  
(212) 340-2537

**CERTIFICATE OF SERVICE**

I hereby state that I have served Plaintiff's Initial Disclosures Pursuant to FRCP 26(a)(1)(A)(B)(C) (with attachments) upon all counsel of record this 28<sup>th</sup> day of March, 2008, via United States Postal Service, postage pre-paid.

/S/ CHERYL A. ROBINSON  
Cheryl A. Robinson